IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Crl.MC.No. 870 of 2007()

CC.2381/2006 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM

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PETITIONER: (DEFACTO COMPLAINANT/CW1 IN CC 2381 OF 2006)

ANAND.S, S/O D.SAHAJANANDAN V.K,
AGED 30 YEARS, RESIDING AT 36/1104,
JUDGES AVENUE, KALOOR, ERNAKULAM DISTRICT.

BY ADV. SRI.K.C.ELDHO

RESPONDENTS: (STATE AND ACCUSED IN CC 2381 OF 2006)

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. DHIL RAVEENDRAN, AGED 30,
S/O RAVEENDRAN, B4-ANJALI APARTMENTS,
MANIMALA ROAD, EDAPPALLY P.O,
ERNAKULAM, KOCHI-24.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.870 of 2007

Dated this the 23rd day of March 2007

O R D E R

The petitioner is the defacto complainant in a prosecution interlia under Sections 406 and 420 I.P.C. The case has been registered in 2006. The case is waiting in the queue to be taken up for consideration by the learned Magistrate. Appearance in the case is complete. The learned Magistrate evidently to save time, is adjourning the case, by notification published outside the court. The petitioner has a pressing requirement for early disposal of the case. According to him, the accused is disposing of all his properties and is preparing to leave the country. If the accused escapes, the petitioner will be without any remedy. He, hence, wants the case to be taken up out of turn. He has rushed to this court with this Criminal Miscellaneous Case.

2. Has the petitioner moved the learned Magistrate? Is the learned Magistrate apprised of the pressing circumstances which the petitioner wants to urge? Has the learned Magistrate refused to take note of the pressing urgency? Evidently none of these has been done. The petitioner found it convenient to rush

to this court. Obviously, such applications cannot be entertained. This court will crumble under the volume of work unless such discipline is insisted on proceedings. I have no reason to assume that the learned Magistrate would not give a sympathetic ear to the petitioner if the circumstances relied on by him are true. The petitioner must move the learned Magistrate at the first instance and can then only come to this court.

3. This Criminal Miscellaneous Case is in these circumstances dismissed but I make it clear that it shall be open to the petitioner to move the learned Magistrate for expeditious out of turn disposal. The learned Magistrate must consider such request and pass appropriate orders.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006